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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,526	02/21/2001	Brandyn Webb	07844-478001/ P442	7931

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EXAMINER

NASH, LASHANYA RENEE

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 07/01/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,526

Applicant(s)

WEBB ET AL.

Examiner

LaShanya R Nash

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21February2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-26, and 29-30 is/are rejected.
- 7) ☒ Claim(s) 12-13, and 27-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 1-30 are pending.

Specification

The disclosure is objected to because of the following minor informality: grammatical error. The term "designated" is duplicated on page 5, line 15 of the specification. Appropriate correction is required.

Claim Objections

Claims 12-13, and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9-11, 14,16, 24-26, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Trovato et al (US Patent 6,425,012) hereinafter referred to as Trovato.

In reference to claim 1, Trovato discloses a system and method for forming on-line chat networks based on time of access request and context/user profiles associated with the user. Also, the method includes forming multiple instances, or clones, of chat networks that have high rates of access requests (column 4, lines 52-64). Trovato shows the aforementioned method comprises:

- Creating one or more clones of the forum wherein each clone is an instance of the forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the forum, (column 4, lines 13-17); and
- Determining whether a relationship exists between a user entering the forum and one or more other users entering the forum or one or more users already in the forum, (column 3, line 63 to column 4, line 4 and column 7, lines 41-44);
- Placing the user entering the forum in a clone of the forum based on the relationship, (column 4, lines 15-17 and column 7, lines 53-63).

In reference to claim 16, Trovato discloses a network former, a component of a chat server, which executes various administrative functions of the chat forming

methodology as addressed in claim 1. The chat server and communication network for the invention are shown to comprise:

- A means for sending and receiving content to and from a network, (column 2, lines 40-50 and Figure 1); and
- A means coupled to means for sending and receiving content for creating one or more clones of the forum wherein each clone is an instance of the forum, thereby allowing any number of users to be in the same forum while limiting the number of users in each instance of the forum (column 5, lines 14-19 and Figure 1);
- A means coupled to means for sending and receiving content for determining whether a relationship exists between a user entering the forum and one or more other users entering the forum or one or more users already in the forum and, if a relationship exists, placing the user entering the forum in a clone of the forum based on the relationship (column 3, line 51 to column 4, line 4 and column 4, lines 13-16).

In reference to claims 9 and 24, Trovato discloses placing users in multiple instances of chat networks containing users in which a relationship is determined to exist (column 4, lines 13-17 and column 7, lines 53-56).

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In reference to claims 10 and 25, Trovato explicitly shows placing users in multiple instances of chat networks with users having similar profiles and who most recently accessed that chat network (column 7, lines 27-33 and column 7, lines 53-60).

In reference to claim 11 and 26, Trovato teaches limiting the number of users in each chat room to a maximum number (column 5, lines 23-38).

In reference to claim 14 and 29, Trovato discloses the chat network as an interactive forum maintained by a system of computers in which users interact by submitting messages (column 2, line 65 to column 3, line 5 and Figure 1). It is inherent that messages transmitted via this chat network are read by receiving clients as are submitted.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato, as applied to previous claims and further in view of Morris et al. (US Patent 6,336,133) hereinafter referred to as Morris.

In reference to claims 4-7, and 19-22 Trovato teaches receiving information from a user entering the chat session in the form of context and user profiles, and forming chat networks based on participants' relationships determined from that information (column 2, lines 5-11). Trovato further discloses that the context and user profiles include information that "may be relevant to the determination of the user's similarity or compatibility to other users" (column 3, lines 29-38). However, Trovato fails to specifically show obtaining information from the user entering the forum or one or more other users regarding: domain name of the user's address [claims 4,19]; country associated with the user's address [claims 5,20]; language in which the user prefers to communicate [claims 6,21]; and indication of a relationship with one or more other users [claims 7,22]. Nonetheless, this modification to the Trovato method and system would have been obvious to one of ordinary skill in the art at the time of the invention, as evidenced by Morris.

In an analogous art, Morris discloses receiving input from users of an on-line forum regarding another user, so as to regulate forum activities (column 2, lines 48-55 and column 4, line 58 to column 5, line 8). Therefore, one of ordinary skill in the art would have readily recognized the advantages to include information from the previously described limitations into the context/user profiles received from the entering user, as well as other chat participants. One of ordinary skill would have been so motivated to implement this modification in order to alleviate the need for users to manually find other on-line users with similar interest (Trovato column 1, lines 29-33).

In reference to claims 8 and 23, Trovato teaches placing users in a chat network other than the chat network containing designated users in which relationships are determined to exist (column 4, lines 24-33).

Claims 2-3, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato and Morris, as applied to the claims above, and further in view of Barrett et al. (US Patent 6,400,381) hereinafter referred to as Barrett.

In reference to claims 2-3, and 17-18 Trovato and Morris show: receiving user profiles from the user entering a chat network, containing user personal/preference information; and receiving information from users currently in a chat room regarding another user. However, the references fail to show receiving information indicating: forums the user has been in [claims 2,13,17,28]; and clones of forums the user has been in [claims 3,18].

In an analogous art, Barrett teaches a system and method of acquiring historical web-related computer activities from client proxies, in order to determine communication groupings among users. Subsequently, these similarly grouped users are placed in a chat room for communication (column 2, lines 1-31 and column 5, line 49 to column 6, line 2). Thus, the aforementioned modification would have been obvious to one of ordinary skill in the art at the time of the invention.

One of ordinary skill in the art would have been motivated to accordingly modify the system disclosed by Trovato and Morris, thereby better facilitating user interactions by recognizing user –activity based information (Barrett column 2, lines 2-7).

Claims 15 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trovato, and further in view of Liles (US Patent 5,888,731) hereinafter referred to as Liles.

In reference to claims 15 and 30, Trovato teaches a chat network maintained by a system of one or more computers for transmitting text, audio, audio-visual, and multi-media messaging between users (column 2, line 65 to column 3, line 5 and Figure 1). Although Trovato shows substantial features of the invention as previously addressed, it fails to show the chat network as an interactive virtual world with each user having one or more moving avatars within the virtual world. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the chat network system disclosed by Trovato accordingly, as evidenced by Liles.

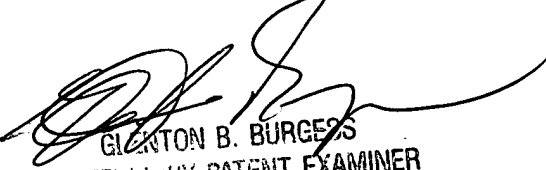
In an analogous art, Liles teaches a method and system for implementing a graphical on-line chat session employing avatars with automatic gesturing (column 3, lines 18-26 and column 3, lines 58-65). Liles further discloses virtual worlds were well known in the art at the time of the invention (column 1, lines 50-65). Therefore, one of ordinary skill in the art would have readily recognized the advantages to the aforementioned modification in order to extend the functionality of the chat network to include graphical gesturing used in combination with text messages (column 2, lines 44-50).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShanya Nash whose telephone number is (703) 305-8910. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


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